IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.2111 OF 2003**

Gas Authority of India Limited..Petitioner

Vs.

State of Maharashtra & Ors.....Respondents

Mr. A.Y. Bookwala, Senior Counsel with Mr. S.A. Balwal i/b. Vyas & Balwal, for the petitioner

Mr. R.S. Desai for Respondent Nos. 1 and 2.

CORAM: **F.I. REBELLO &**

MRS.V.K.TAHILRAMANI, JJ.

DATE: 10th July,2006

P.C.

. Rule.

2. The matter has been referred to mediation. It appears that the same has failed. The challenge by the petitioner is to the order by the Appellate Authority dated 17th March, 2003 on the ground that the Appellate Authority has failed to apply his mind to the issues in question. When the impugned order was passed the Appellate Authority proceeded on the footing that the valuation fixed by the Surveyor is final and binding and he cannot go contrary to the same.

3. It is possible that the Appellate Authority may not interfere with the valuation fixed by the Surveyor. However, if the petitioners bring before him material to indicate that the valuation has not been properly fixed then it is the duty of the Appellate Authority to consider the same considering the provisions of law. It appears that the Appellate Authority has failed to discharge this burden. In the light of that the impugned order dated 17th March, 2003 is set aside. The matter is remanded back to the Appellate Authority to hear the appellant and respondent and thereafter to pass appropriate orders according to law, at any rate not later than twelve weeks from day. In the meantime the respondents not to take any coercive steps against the petitioner and for a period of four weeks thereafter, if the order is adverse to the petitioner.

. With the above observation petition stands disposed of.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**